

## 4.5 Cultural Resources

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### SIGNIFICANCE CRITERIA

The significance criteria discussed below are pursuant to the regulations identified in Section 3.5 of this document. The regulations include:

- National Historic Preservation Act of 1996, as amended
- American Indian Religious Freedom Act of 1978
- Executive Order 13007
- Executive Order 12898
- National Environmental Policy Act

Federal law requires the consideration of effects to historical and cultural resources prior to authorizing any activity. 36CFR296 (Protection of Archaeological Resources) and 36CFR800 (Protection of Historic and Cultural Properties) provide guidelines for the protection of cultural resources, while state law requires the protection of historical and cultural resources. A proposed action would be considered to have a significant effect on cultural resources if it adversely affects a resource listed or determined to be eligible for listing on the National Register of Historic Places (NRHP). The proposed project would have a significant effect if it damaged the integrity of an identified sacred site or interfered substantially with Native American religious or ceremonial practices.

### METHODOLOGY

The impacts assessment for cultural resources and traditional cultural values is based the results of literature searches, consultations, and cultural resource surveys performed for the proposed project. The results of the studies are presented in two archaeological reports (Vaughan 2001 and Darcangelo 2002).

### IMPACT OVERVIEW

A survey conducted in 2001 by Coyote & Fox identified obsidian flakes along the originally proposed pipeline route. That route was approximately 5,200 ft. and ran through dry farmland and wetlands. The route was initially altered to avoid the identified site then altered again to avoid wetlands. A second survey conducted by Far Western Anthropological Research Group, Inc. (FWARG) in October 2002 found no other cultural resources. Additional areas surveyed include the portion of the levee where the discharge pipeline will be laid, the food service/laundry building, and the mechanical building. No traditional cultural uses were identified that would be affected by the proposed project. The proposed project would not have adverse effects on cultural resources or traditional cultural values.

### EFFECTS OF THE PROPOSED ACTION – ALTERNATIVE A

Potential impacts to cultural resources in the project area are described for each project component.

#### **Mechanical and Food Service/Laundry Buildings**

The proposed project would include construction of two new buildings within the residential area of the I'SOT community. The footprint for these buildings was surveyed by FWARG and no cultural resources

were noted. Buried resources are not expected in this area. There would be no impact to cultural resources from construction of these buildings.

##### **Distribution Piping**

Spot checks were made by FWARG for the distribution piping locations, as these locations consisted predominantly of graveled driveways leading to existing structures, leaving no original ground surface to inspect. The likelihood of finding buried resources in this area of previous disturbance is low. No cultural resources would be impacted from installation of the distribution piping; therefore this construction of this project component is less than significant.

##### **Discharge Pipeline**

The proposed project would include installation of an effluent discharge pipeline along dry farmland, 1,300 ft. of levee road, and some wetland area. The pipeline route was surveyed for the presence of cultural resources. No resources were found along the pipeline route. Excavation for installation of the pipeline has the potential to affect previously unknown cultural resources. Mitigation measures 4.5-1, 4.5-2, and 4.5-3 would be implemented to avoid the potentials for adverse effects to undiscovered resources and undiscovered human remains. The potential for discovery of buried resources is considered low since much of the pipeline route has been subject to previous surface disturbance for agriculture and road construction.

Hand laying the discharge pipeline along proposed route would have no effect on cultural resources.

#### **NATIVE AMERICAN CONCERNS AND EFFECTS TO TRADITIONAL CULTURAL VALUES**

##### **Native American Concerns**

During scoping for the project, members of the Pit River tribe expressed concerns about geothermal-related impacts and potential effects of construction on cultural resources. The projected environmental impacts of the proposed district heating project are discussed throughout Chapter 4 of this document. The environmental effects of geothermal resource development and utilization of the well for space and water heating are less than significant. Initial consultation between the Pit River tribal members and DOE resulted in a request for a tribal monitor during construction activities. This action was agreed to and is incorporated as Mitigation Measure 4.5-1. Additional mitigation measures would be implemented if cultural resources are found during construction activities.

##### **Project Effects on Traditional Cultural Properties**

There are no Traditional Cultural Properties (TCPs) within the project study area; therefore, the project would have no impact on TCPs.

Native Americans have been known to use Kelley Hot Springs. The project would have no effect on Kelley Hot Springs and no effect on traditional uses at Kelley Hot Springs.

## **MITIGATION MEASURES**

### **Mitigation Measure 4.5-1**

During pipeline installation I'SOT shall contract for a tribal monitor to check for any Indian cultural resources or human remains. Mitigation to avoid effects to resources encountered might include avoidance or data collection.

### **Mitigation Measure 4.5-2**

Should any prehistoric or historic resources be encountered during site construction activities, I'SOT shall suspend construction activities within 50 feet of the discovery until a qualified consulting archaeologist has assessed the materials. If a decision is made to record the site, I'SOT shall ensure that recordation shall take place and it will be determined whether project well sites could be relocated to avoid any additional effects. I'SOT shall not resume construction activities in the vicinity of the discovery until consultation has taken place and the resources have been appropriately evaluated or treated and specific authorization to resume construction activities is provided by the DOE. If avoidance is not feasible, I'SOT shall ensure that a qualified archaeologist will evaluate the site and a determination of eligibility for the NRHP shall be made. If the site is determined to be eligible, then I'SOT shall submit a mitigation proposal (which may include a data recovery program similar to those conducted for similar resources in the vicinity) with the site record to the SHPO for review and concurrence.

### **Mitigation Measure 4.5-3**

If prehistoric archaeological deposits that include human remains or objects considered "cultural items" according to the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered during site construction activities, I'SOT shall immediately notify the County Coroner and a qualified archaeologist and would follow NAGPRA regulations. If the remains are identified as American Indian, then I'SOT shall notify local American Indian groups or tribe(s) and the Native American Heritage Commission (NAHC) within 24 hours and initiate consultation. I'SOT shall ensure that the most likely descendants of these remains are notified and given the opportunity to make recommendations for the remains. If descendant recommendations are made which are not acceptable to I'SOT or DOE, then the NAHC would be requested to mediate the problem.

## **EFFECTS OF THE NO ACTION ALTERNATIVE**

If the project were not constructed due to lack of DOE funding, there would be no adverse effects to cultural resources from Alternative B, the "No Action" alternative; however, the project could proceed without DOE funding contingent upon alternative funding. Without DOE involvement, implementation of mitigation measures 4.5-1, 4.5-2, and 4.5-3 would be contingent upon communications between I'SOT and the Tribe, which would not be obligatory. Without funding by DOE, I'SOT would not be reimbursed for costs resulting from permitting efforts, engineering consultation, and system installation costs. No data gathering system would be installed for DOE research and development (R&D) purposes.